

# COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

## 2022 Legislative Session

Bill No. CB-038-2022

Chapter No. 21

Proposed and Presented by Chair Hawkins

Introduced by Council Members Hawkins, Harrison, Turner, Franklin, Glaros, Dernoga,  
Streeter, Ivey, and Taveras

Co-Sponsors \_\_\_\_\_

Date of Introduction June 7, 2022

### CHARTER AMENDMENT

AN ACT concerning

Amendment of Sections 201, 202, 305, 306, 307, 307B, 310, 311, 313, 316, 319, 401, 402, 404, 405, 407, 408, 409, 411, 412, 603, 817, 819, 906, 907, 1001, 1002, 1003, 1004, 1005, 1017, Charter of Prince George's County

For the purpose of proposing an amendment to Sections 201, 202, 305, 306, 307, 307B, 310, 311, 313, 316, 319, 401, 402, 404, 405, 407, 408, 409, 411, 412, 603, 817, 819, 906, 907, 1001, 1002, 1003, 1004, 1005, 1017, Charter of Prince George's County to provide for gender neutral language in several sections throughout the Charter.

BY proposing an amendment to:

Sections 201, 202, 305, 306, 307, 307B, 310, 311, 313, 316,  
 319, 401, 402, 404, 405, 407, 408, 409, 411, 412, 603,  
 817, 819, 906, 907, 1001, 1002, 1003, 1004, 1005, 1017,  
 Charter of Prince George's County, Maryland.

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that the following amendment to Sections 201, 202, 305, 306, 307, 307B, 310, 311, 313, 316, 319, 401, 402, 404, 405, 407, 408, 409, 411, 412, 603, 817, 819, 906, 907, 1001, 1002, 1003, 1004, 1005, 1017, Charter of Prince George's County, Maryland, is hereby proposed:

### ARTICLE II. INDIVIDUAL RIGHTS.

#### Section 201. Equal Protection and Nondiscrimination.

No person shall be deprived of life, liberty, or property without due process of law, nor be denied

1 the equal protection of the laws. No person shall be denied the enjoyment of [his or her] their civil  
 2 or political rights or be discriminated against in the exercise thereof because of religion, race, color,  
 3 national origin, sex, age, sexual orientation, marital status, familial status, or disability in such a  
 4 way that such person is adversely affected in the areas of housing and residential real estate,  
 5 employment, law enforcement, education, financial lending, public accommodations, or  
 6 commercial real estate.

#### 7 **Section 202. Rights of Witnesses and Other Persons.**

8 Any witness appearing before the County Council or any of its committees may be represented by  
 9 counsel. Any person whose character shall have been impugned by the County Council, or by any  
 10 of its committees, or by any witnesses before the County Council or any of its committees, shall  
 11 be given the opportunity to appear with or without counsel, to present evidence, to cross-examine  
 12 any person who may have impugned his character, and to call witnesses of [his or her] their own,  
 13 and the County Council shall, upon application being made, exercise its subpoena power to compel  
 14 the attendance of such persons and witnesses.

### 15 **ARTICLE III. LEGISLATIVE BRANCH.**

#### 16 **Section 305. Redistricting Procedure.**

17 The boundaries of Council districts shall be reestablished in 1982 and every tenth year thereafter.  
 18 Whenever district boundaries are to be reestablished the Council shall appoint, not later than  
 19 February 1 of the year prior to the year in which redistricting is to be effective, a commission on  
 20 redistricting, composed of two members from each political party chosen from a list of five names  
 21 submitted by the Central Committee of each political party which polled at least fifteen percent of  
 22 the total vote cast for all candidates for the Council in the immediately preceding regular election.  
 23 The Council shall appoint one additional member of the Commission who shall serve as  
 24 chair[man]. No person shall be eligible for appointment to the Commission if [he or she] they  
 25 hold[s] any elected office. By September 1 of the year prior to the year in which redistricting is to  
 26 be effective, the Commission shall prepare, publish, and make available a plan of Council districts  
 27 and shall present that plan, together with a report explaining it, to the Council. The plan shall  
 28 provide for Council districts that are compact, contiguous, and equal in population. No less than  
 29 fifteen calendar days and no more than thirty calendar days after receiving the plan of the  
 30 Commission, the Council shall hold a public hearing on the plan. If the Council passes no other  
 31 law changing the proposal, then the plan, as submitted, shall become law, as of the last day of

November, as an act of the Council, subject to Sections 320 and 321 of this Charter. Such law shall be adopted by resolution of the County Council upon notice and public hearing.

**Section 306. Term of Office.**

Each member of the Council shall serve for a term beginning at noon on the first Monday in December next following [his or her] their election and ending at noon on the first Monday in December in the fourth year thereafter.

**Section 307. Qualifications and Restrictions.**

An at-large Council Member shall have been a qualified voter of Prince George's County for at least one year immediately preceding [his or her] their primary election. Council Members representing one of the nine Council districts shall have been a qualified voter of their respective Council district for at least one year immediately preceding [his or her] their primary election. During [his or her] their term of office, [he or she] they shall not hold any other office of profit in state, county, or municipal government. A Council member shall not, during the whole term for which [he or she] they [was] were elected, be eligible for appointment to any County office or position carrying compensation which has been created during [his or her] their term of office.

**Section 307B. Removal from Office.**

A Council member may be removed from office by the affirmative vote of not less than two-thirds of the members of the full Council after a public hearing and only upon a finding that [he or she] is they are unable by reason of physical or mental disability to perform the duties of [his or her] their office. The decision of the Council may be appealed by the Council member within ten days to the Circuit Court by petition. Upon filing of a petition, the Court may stay the removal pending its decision. Upon appeal, the Court shall make de novo determinations of fact.

**Section 310. Forfeiture of Office.**

A member of the Council shall immediately forfeit [his or her] their office if [he or she] they cease[s] to be a qualified voter of the County. In the case of a [Councilman] Council member required to reside in a particular Council[manic] district, [he or she] they shall forfeit [his or her] their office if [he or she] they cease[s] to be a resident of the Council[manic] district in which [he or she] they resided at the time of [his or her] their election; provided that no member of the Council shall forfeit [his or her] their office by reason of any change in the boundary lines of his Council[manic] district made during [his or her] their term.

**Section 311. Officers of the Council.**

1 The Council shall elect from among its members a Chair[man] and a Vice Chair[man]. The  
 2 Chair[man], or in [his or her] their absence the Vice Chair[man], shall preside at all meetings. On  
 3 all questions before the Council the Chair[man] and Vice Chair[man] shall have and may exercise  
 4 the vote to which each is entitled as a Council member.

5 **Section 313. Office of Audits and Investigations.**

6 There shall be an Office of Audits and Investigations, under the supervision and direction of a  
 7 County Auditor who shall be appointed by the Council. The County Auditor shall receive such  
 8 compensation as the Council may determine. The County Auditor shall serve a term of five years  
 9 commencing on January 1, 2019, and each fifth year thereafter. The County Auditor appointment  
 10 may be renewed for additional five-year terms. The Auditor shall remain until a successor is  
 11 appointed and qualifies. The County Auditor may be removed for cause. The Auditor shall prepare  
 12 and submit to the Council and to the County Executive a complete financial audit for the preceding  
 13 fiscal year of selected agencies that receive or disburse County funds. Upon recommendation by  
 14 the Auditor that a State audit in a given year is adequate, the Council may, by resolution, exempt  
 15 from County audit an agency whose entire records, accounts, and affairs are completely audited  
 16 each year by or with the approval of the State of Maryland or an independent audit by a qualified  
 17 independent certified public accountant. Any such resolution of exemption from audit shall be  
 18 limited to a period of not more than one year. In addition to the annual audit, either the Council or  
 19 the County Executive may at any time order a special audit of the accounts of any agency receiving  
 20 or disbursing County funds, and upon the death, resignation, removal or expiration of the term of  
 21 any County administrative officer, the Auditor shall cause a special audit to be made of the  
 22 accounts maintained by the officer, and by [his or her] their agency. If, as a result of any audit, an  
 23 officer shall be found to be indebted to the County, the County Executive shall proceed forthwith  
 24 to collect the indebtedness. In the event that the County Executive shall be found to be indebted to  
 25 the County, the Council shall proceed forthwith to collect the indebtedness. The County Auditor  
 26 is empowered to conduct investigations related to fraud, waste and abuse by the County Executive,  
 27 Council Members or other County officials and employees. The Auditor is also empowered to  
 28 conduct necessary audits of any agency which is the recipient of funds appropriated or approved  
 29 by the Council whenever [he or she] they deem[s] it appropriate. No employee or official of the  
 30 County shall interfere with, threaten with disciplinary action, or otherwise attempt to restrain an  
 31 employee of the County from providing information to the County Auditor, nor shall any adverse

1 action be taken against such employee. Any adverse action taken within twelve (12) months after  
 2 the employee has provided information to the County Auditor shall be presumed to be retaliatory,  
 3 which presumption may be rebutted only by clear and convincing evidence to the contrary. Any  
 4 audit, including performance audits, special audits, and State audits which form the basis for an  
 5 exemption by the Council from a County audit, shall be published in suitable form and made  
 6 available to the public at reasonable hours at the Office of Audits and Investigations. All records  
 7 and files pertaining to the receipt and expenditure of County funds by all officers, agents, and  
 8 employees of the County and all agencies thereof, shall at all times be open to the inspection of  
 9 the County Auditor. The Auditor shall promptly call to the attention of the Council and the County  
 10 Executive any irregularity or improper procedure which [he or she] they may discover. The County  
 11 Auditor shall have the power to administer oaths, to compel the attendance of witnesses, and to  
 12 require the production of records and other materials in connection with any audit, investigation,  
 13 inquiry, or hearing authorized by law or by this Charter. The Council shall have the power to  
 14 implement the provisions of this section and to assign additional functions, duties, and personnel  
 15 to the County Auditor.

#### 16 **Section 316. Council Sessions.**

17 The first and third Tuesdays of January, February, March, April, May, June, July, September,  
 18 October and November, except November in a Council[manic] Election year, or the following  
 19 Wednesday if a legal holiday, and such additional days as the Council shall determine, not to  
 20 exceed an overall total of forty-five days or as otherwise limited by the State constitution, are  
 21 designated as days for the enactment of legislation. For the purpose of performing such duties,  
 22 other than enacting legislation, which are properly exercisable by the Council under the provisions  
 23 of this Charter, the Council may sit in nonlegislative sessions at such other times as it may  
 24 determine. A majority of the members of the full Council shall constitute a quorum. The Council  
 25 shall provide for the keeping and annual publication of a journal which shall be open to public  
 26 inspection at all reasonable times. All voting except procedural motions, shall be by roll call, and  
 27 the ayes and nays shall be recorded in the journal. No business shall be transacted, or any  
 28 appointments made, or nominations confirmed except in public session. The Council shall adopt  
 29 and publish Rules of Procedures not inconsistent with the provisions of this Charter.

#### 30 **Section 319. Referendum.**

31 Any law which becomes law pursuant to this Charter may be petitioned to referendum, except a

law: (1) imposing a tax; (2) appropriating funds for current expenses of the County government;  
 (3) establishing Council[manic] districts; (4) amending a zoning map; or (5) granting a special  
 exception to zoning regulations. Upon the adoption of the Capital Budget any new project not  
 previously contained in the Capital Budget and any additions constituting an enlargement of a  
 project shall be subject to referendum. Once a project has been approved by referendum, that  
 portion of a subsequent Bond Enabling Act or Bond Issue Authorization Ordinance relating to the  
 project shall not be subject to referendum, and if a bond enabling bill including the project and  
 identifying it is approved by referendum that portion of any subsequent bond issue authorization  
 ordinance relating to the project shall not be subject to referendum. A law shall be submitted to a  
 referendum of the voters upon petition of ten thousand (10,000) qualified voters of the County.  
 Such petition shall be filed with the Board of Supervisors of Elections of Prince George's County  
 within forty-five calendar days from the date the bill becomes law. If more than one-third but less  
 than the full number of signatures required to complete any referendum petition against such law  
 be filed within forty-five calendar days from the date the bill becomes law, the effective date of  
 the law, and the time for filing the remainder of signatures to complete the petition shall be  
 extended for an additional forty-five calendar days. If such a petition is filed, the law to be referred  
 shall not County voting thereon at the next ensuing regular election held for members of the House  
 of Representatives of the United States. An emergency law shall remain in force from the date it  
 becomes law notwithstanding the filing of such petition, but shall stand repealed thirty calendar  
 days after having been rejected by a majority of the qualified voters of the County voting thereon.  
 A petition may consist of several papers, but each paper shall contain the text or a fair summary  
 of the law being petitioned upon; and there shall be attached to each such paper an affidavit of the  
 person procuring the signatures thereon that, to the said person's own personal knowledge, each  
 signature thereon is genuine and bona fide, and that, to the best of [his or her] their knowledge,  
 information, and belief, the signers are qualified voters of Prince George's County, as set opposite  
 their names. A minor variation in the signature of a petitioner between [his or her] their signature  
 on a petition and that on the voter registration records shall not invalidate the signature. The  
 invalidation of one signature on a referendum petition shall not serve to invalidate any other  
 signature on the petition. Each petitioner shall include [his or her] their address and the date of [his  
or her] their signature opposite [his or her] their name. The Board of Supervisors of Elections shall  
 verify the qualification of said petitioners.

## ARTICLE IV. EXECUTIVE BRANCH.

### Section 401. Composition.

The Executive Branch of the County government shall consist of the County Executive and all officers, agents, and employees under [his or her] their supervision and authority.

### Section 402. Executive Power and Duties.

All executive power vested in Prince George's County by the Constitution and laws of Maryland and this Charter shall be vested in the County Executive who shall be the chief executive officer of the County and who shall faithfully execute the laws. [His or her] Their powers, duties, and responsibilities shall include, but shall not be limited to: (1) preparing and submitting to the Council and the public, within six months after the close of the fiscal year, an annual report on the activities and accomplishments of the County government, including a detailed financial statement; (2) providing the Council, or a committee thereof, with any information concerning the executive branch which the Council may require for the exercise of its powers; (3) recommending to the Council such measures for legislative action as [he or she] they may deem to be in the best interests of the County; (4) appointing the head of each agency of the executive branch, subject to confirmation by the Council as required by Section 322 of this Charter, and removing the same at [his or her] their discretion; (5) preparing an executive pay plan which establishes the compensation of the Chief Administrative Officer and the head of each agency of the executive branch, subject to the approval of the Council; (6) appointing the members of all boards and commissions subject to confirmation by the Council as required by Section 322 of this Charter, unless otherwise prescribed by law or this Charter; (7) insuring that County funds in excess of those required for immediate needs are invested in the best interests of the County; (8) signing or causing to be signed on the County's behalf all deeds, contracts and other instruments, including those which, prior to the adoption of this Charter, required the signature of the Chairman or any member of the Board of County Commissioners, and affixing the County Seal thereto; (9) preparing and submitting to the County Council semi-annual reports of certain exempt positions consistent with Section 806 of this Charter; and (10) enforcing all laws in the County except as otherwise provided for by State law or charters of municipalities located within the County.

### Section 404. Term of Office.

The County Executive shall serve for a term beginning at noon on the first Monday in December next following [his or her] their election, and ending at noon on the first Monday in December in

1 the fourth year thereafter.

2 **Section 405. Qualification and Restrictions.**

3 The County Executive shall have been a qualified voter of Prince George's County for at least five  
 4 years immediately preceding [his or her] their election. During [his or her] their term of office, [he  
 5 or she] they shall not hold any other office of profit in federal, state, county, or municipal  
 6 government. The County Executive shall not, during the whole term for which [he or her] they  
 7 [was] were elected, be eligible for appointment to any County office or position carrying  
 8 compensation which has been created during [his or her] their term of office. [He or she] They  
 9 shall devote [his or her] their full time to the duties of [his or her] their office.

10 **Section 407. Vacancy.**

11 A vacancy in the office of County Executive shall exist upon the death, resignation or removal of  
 12 the County Executive, or upon forfeiture of office by a County Executive. Immediately upon a  
 13 vacancy, the Chief Administrative Officer shall become the Acting County Executive until a  
 14 County Executive is chosen by the methods established in this Section of the Charter. In the event  
 15 of a vacancy in the office of County Executive occurring during the last two years of the term, the  
 16 Council shall select from among its members, by majority vote, a successor for the office for the  
 17 balance of the unexpired term. If this selection by the Council is not made within fourteen (14)  
 18 calendar days after the vacancy occurs, the Chair[man] of the Council shall succeed to the Office  
 19 for the balance of the unexpired term. The Council shall provide by law for the conduct of a special  
 20 election to fill a vacancy in the office of County Executive that occurs during the first two years  
 21 of a term and for the appointment, powers and duties of an Acting County Executive pending the  
 22 outcome of such special election.

23 **Section 408. Forfeiture of Office.**

24 The County Executive shall immediately forfeit [his or her] their office if [he or she] they cease[s]  
 25 to be a qualified voter of the County.

26 **Section 409. Removal from Office.**

27 The County Executive may be removed from office by the affirmative vote of not less than two-  
 28 thirds of the members of the full Council after a public hearing and only upon a finding that [he or  
 29 she] they [is] are unable by reason of physical or mental disability to perform the duties of [his or  
 30 her] the office. The decision of the Council may be appealed by the County Executive within ten  
 31 days to the Circuit Court by petition. Upon filing of a petition, the Court may stay the removal



pending its decision. Upon appeal, the Court shall make de novo determinations of fact.

#### **Section 411. Executive Veto.**

Upon the enactment of any bill by the Council, with the exception of such measures made expressly exempt from the executive veto by this Charter, it shall be presented to the County Executive within ten days for [his or her] their approval or disapproval. Within ten days after such presentation, [he or she] they shall return any such bill to the Council with [his or her] their approval endorsed thereon or with a statement, in writing, of [his or her] their reasons for not approving the same. Upon approval by the County Executive, any such bill shall become law. Upon veto by the County Executive, [his or her] their veto message shall be entered in the Journal of the Council, and, not later than at its next legislative session-day, the Council may reconsider the bill. If, upon reconsideration, two-thirds of the members of the full Council vote in the affirmative, the bill shall become law. Whenever the County Executive shall fail to return any such bill within ten days after the date of its presentation to [him or her] them, the Clerk of the Council shall forthwith record the fact of such failure in the Journal, and such bill shall thereupon become law. In the case of budget and appropriation bills, the County Executive may disapprove or reduce individual items in such bills, except where precluded by State law. Each item or items not disapproved or reduced in a budget and appropriation bill shall become law, and each item or items disapproved or reduced in a budget and appropriation bill shall be subject to the same procedure as any other bill vetoed by the County Executive.

#### **Section 412. Chief Administrative Officer.**

The County Executive shall appoint a Chief Administrative Officer. [He or she] They shall be appointed on the basis of [his or her] their qualifications as a professional administrator and shall serve at the discretion of the County Executive. The Chief Administrative Officer shall perform such administrative duties and exercise such general supervision over the agencies of the executive branch as the County Executive may direct.

### **ARTICLE VI. PURCHASING.**

#### **Section 603. Competitive Bidding.**

Any single purchase or contract under the jurisdiction of the County Purchasing Agent and involving an expenditure in excess of such amount(s) as may be established by legislative act of the County Council, except emergency purchases and those involving services or material and equipment of a noncompetitive nature as may be defined and governed by the rules and regulations

mentioned in Section 602 of this Charter, shall be made from or let by sealed bids or proposals publicly opened after public notice for such period and in such manner as the County Purchasing Agent or [his or her] their authorized deputy shall determine. Such purchases and contracts shall be made from or awarded to the responsive and responsible bid that is most favorable to the County with respect to technical requirements and costs. A security or bond for the performance of work as determined by the County's Purchasing Agent may be required for purchases and contracts. No such purchase or contract shall be made or awarded within a period of one week from the date of the public opening of bids. In all cases, the County shall reserve the right to reject any and all bids. No contract or purchase shall be subdivided to avoid the requirements of this section. Anything to the contrary of this Section 603 notwithstanding, the Council may authorize the County Purchasing Agent to negotiate extensions of existing contracts for garbage and refuse collection, without competitive bidding, upon such terms and for such duration as the Council may by law prescribe; provided, however, that any such law shall require the County Purchasing Agent to poll the residents of the service area covered by a collection contract, and shall provide that the County Purchasing Agent not conclude any agreement for an extension unless a certain number of the residents of the service area, as prescribed by the Council, indicate their concurrence in the extension.

## **ARTICLE VIII. BUDGET AND FINANCE.**

### **Section 817. Appropriation Reduction.**

If at any time during the fiscal year, the County Executive shall ascertain that the available revenue for the year may be less than the total appropriations, [he or she] they shall reconsider the appropriations for all agencies, and may revise them so as to forestall expenditures in excess of the income and fund balances. Any reduction in appropriations of the Legislative Branch shall be reviewed and

### **Section 819. Appropriation Control and Certification of Funds.**

No agency of the County government shall during any fiscal year expend, or contract to expend, any money or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any purpose in excess of the amounts appropriated in the budget for such fiscal year, or in any supplemental appropriation as herein provided; and no such payment shall be made nor any obligation or liability incurred, except for purchases in an amount to be fixed by legislative act, unless the Director of Finance or [his or her] their designee shall first certify that

the funds for the designated purpose are available. If any officer, agent or employee of the County government shall knowingly violate this provision, [[he or she] they shall be personally liable and such action shall be cause, after public hearing, for [his or her] their removal from office by the County Executive or by majority vote of the Council, notwithstanding the provisions of Article IX of this Charter. Nothing in this Charter shall authorize the making of contracts providing for the payment of funds at a time beyond the fiscal year in which such contracts are made for personal service contracts exceeding an aggregate of One Hundred Thousand Dollars (\$100,000.00) per contractor, or such other sum as may be set by legislative act, and an aggregate of Five Hundred Thousand Dollars (\$500,000.00) for all other multiyear contracts, or such other sum as may be set by legislative act, provided the nature of such transactions reasonably requires the making of such contracts, unless such contracts are approved by resolution of the County Council upon notice and public hearing. No language in such contract, including language subjecting the contract to further funding availability, shall obviate the requirement that all multiyear contracts shall be approved by resolution of the County Council upon notice and public hearing. Any contract, lease, or other obligation requiring the payment of funds from the appropriations of a later fiscal year shall be made or approved by resolution of the County Council upon notice and public hearing. No contract for the purchase of real property shall be made unless the funds therefor are included in the capital budget.

## **ARTICLE IX. PERSONNEL.**

### **Section 906. Personnel Board.**

There shall be a Personnel Board consisting of five qualified voters of the County. Members of the Personnel Board shall be appointed by the County Executive for terms coterminous with [ his] the County Executive and confirmed by the Council. Vacancies shall be filled for the unexpired term in the manner of original appointment. Each member shall serve until [his or her] their successor is appointed and qualified. A member of the Board may be removed only for cause by the County Executive, subject to approval by the Council. The County Executive shall designate a member of the Board as chair[man].

### **Section 907. Powers and Duties of the Personnel Board.**

The Personnel Board shall have the power and the duty: (1) to recommend to the Council rules and regulations which shall have the force of law upon adoption by the Council; (2) to hear appeals from employees in the classified service concerning any action of the Personnel Officer or the

1 appointing authority of the employee, except that the Personnel Board shall not grant relief to  
 2 employees covered by a collective bargaining agreement authorized by Section 908 of this Charter  
 3 where that collective bargaining agreement contains a procedure which can provide a remedy to  
 4 the employee. After a hearing, which shall be public if so requested by the aggrieved employee,  
 5 the Personnel Board may issue such order as it finds proper by the facts presented in the case. All  
 6 data pertinent to the decision shall be subject to the scrutiny of the aggrieved party or [his or her]  
 7 their attorney; (3) to hear and decide for the County appeals from employees concerning any  
 8 action pertaining to the methods of examination, certification, or preparation of eligibility lists for  
 9 appointment or promotion; (4) to advise and consult, as appropriate, with County officials on  
 10 matters concerning the administration of the County career service and personnel rules and  
 11 regulations and to report to the County Executive and the Council on the operation of the personnel  
 12 system; and (5) to carry out such other functions as may be assigned by law. In case of any appeal  
 13 to the Personnel Board, its decision shall be final on all parties concerned and may not be appealed  
 14 to any other administrative board. Any person aggrieved by a final decision of the Personnel Board  
 15 may, within thirty calendar days, appeal a decision to the Circuit Court of Prince George's County.  
 16 Such appeal shall be limited to errors of jurisdiction, errors of law, and clear abuse of discretion  
 17 by the Personnel Board.

## 18 **ARTICLE X. GENERAL PROVISIONS.**

### 19 **Section 1001. Code of Ethics.**

20 The Council shall prescribe by law a code of ethics, and provide for the enforcement and penalties  
 21 for violations thereof, covering all elected and appointed officers and employees of the County  
 22 paid in whole or in part from County funds, and including persons appointed to serve on boards  
 23 and commissions established by law. The code of ethics shall provide for the regulation of ex parte  
 24 communications and for the disqualification of any person participating in the decision process, if  
 25 there is a conflict between [his or her] their official duties and [his or her] their private interests.  
 26 The code of ethics shall also provide for the establishment of a five-member board to administer  
 27 the code. Members of such board, to be known as the Board of Ethics, shall be appointed by the  
 28 County Executive and confirmed by the Council for staggered terms. A member of the board can  
 29 only be removed by the County Executive subject to approval by the Council. Not more than three  
 30 members of the Board shall be members of the same political party.

### 31 **Section 1002. Conflict of Interest.**

1 No officer or employee of the County, whether elected or appointed, shall in any manner  
 2 whatsoever be interested in, or receive any benefit from, the profits or emoluments of any contract,  
 3 job, work, or service for the County. No such officer or employee shall accept any service or thing  
 4 of value, directly or indirectly, upon more favorable terms than those granted to the public  
 5 generally, from any person, firm, or corporation having dealings with the County; nor shall [he or  
 6 she] they receive, directly or indirectly, any part of any fee, commission, or other compensation  
 7 paid or payable by the County, or by any person in connection with any dealings with the County,  
 8 or by any person in connection with any dealings or proceedings before any agency of the County  
 9 government. No such officer or employee shall directly or indirectly be the broker or agent who  
 10 procures or receives any compensation in connection with the procurement of any type of bonds  
 11 for County officers, employees, persons, or firms doing business with the County. No such officer  
 12 or employee shall solicit any compensation or gratuity in the form of money or otherwise for any  
 13 act or omission in the course of [his or her] their public work, except as provided by law or  
 14 interstate compact; provided that the head of any department or board of the County may permit  
 15 an employee to receive a reward publicly offered and paid for the accomplishment of a particular  
 16 task. The provisions of this Section shall be broadly construed and strictly enforced for the purpose  
 17 of preventing officers and employees from securing any pecuniary advantages, however indirect,  
 18 from their public associations, other than their compensation provided by law. In order to guard  
 19 against injustice, the Board of Ethics may, by resolution, specifically authorize any County officer  
 20 or employee to own stock in any corporation or to maintain a business in connection with any  
 21 person, firm, or corporation dealing with the County, if, on full public disclosure of all pertinent  
 22 facts to the Board of Ethics by such officer or employee, the Board of Ethics shall determine that  
 23 such stock ownership or connection does not violate the public interest. Any officer or employee  
 24 of the County who willfully violates any of the provisions of this Section shall forfeit [his or her]  
 25 their office. If any person shall offer, pay, refund, or rebate any part of any fee, commission, or  
 26 other form of compensation to any officer or employee of the County in connection with any  
 27 County business or proceeding, [he or she] they shall, on conviction, be punishable by  
 28 imprisonment for not less than one or more than six months or a fine of not less than \$100.00 or  
 29 more than \$1,000.00, or both. Any contract made in violation of this Section may be declared void  
 30 by the County Executive or by resolution of the Council. The penalties in this Section shall be in  
 31 addition to all other penalties provided by law.

**Section 1003. Private Use of Public Employees.**

No officer or employee of the County, elected or appointed, shall compel any other officer or employee of the County to do or perform any private service or work outside of [his or her] their public office or employment.

**Section 1004. Additional Compensation.**

No officer or employee of the County, elected or appointed, whose compensation is fixed, in whole or in part, by this Charter, the laws of the County, or its personnel regulations, shall be entitled to any other compensation from the County for performance of public duties, except expenses for travel and subsistence incident to the performance of [his or her] their official duties as prescribed by law.

**Section 1005. Official Lobbying.**

The Council shall not appropriate or approve any funds for any agency which receives or disburses County funds, other than for the immediate staff of the County Executive and the Council, to be used for the purpose of securing the passage or defeat of any legislation. No officer appointed by the County Executive or by the Council may, in [his or her] their official capacity, recommend or request the passage or defeat of any legislation without the express prior approval of the County Executive or of the Council. Nothing herein shall preclude any officer or employee from providing public data or information in response to any official inquiry or making any recommendation required by law. Every officer or employee shall provide public data or information to the Council in response to an official inquiry or when making any recommendation required by law.

**Section 1017. Definitions and Rules of Construction.**

As used in this Charter or the schedule of legislation attached hereto:

- (a) The word "bill" shall mean any measure introduced in the Council for legislative action.
- (b) The words "act," "ordinance," "public local law," and "legislative act," when used in connection with any action by the Council, shall be synonymous and shall mean any bill enacted in the manner and form provided in this Charter.
- (c) The word "resolution" shall mean a measure adopted by the Council having the force and effect of law but of a temporary or administrative character.
- (d) The word "law" shall be construed as including all acts, public local laws, ordinances, and other legislative acts of the Council, all ordinances and resolutions of the County Commissioners not hereby or hereafter amended or repealed, and all public general laws and public local laws of

1 the General Assembly in effect from time to time after the adoption of this Charter, whenever such  
2 construction would be reasonable.

3 (e) The words "enact," "enacted," or "enactment," when used in connection with the legislative  
4 acts of the Council, shall mean the action by the Council in approving any item of legislative  
5 business prior to its submission to the County Executive for [his or her] their approval or veto.

6 (f) The word "State" shall mean the State of Maryland.

7 (g) The words "State law" shall mean all laws or portions of law enacted by the General  
8 Assembly of Maryland which may not be repealed by the Council after the effective date of this  
9 Charter.

10 (h) The word "shall" shall be construed as mandatory and the word "may" shall be construed as  
11 permissive.

12 (i) The word "person" shall include the words "individual," "corporation," "partnership," and  
13 "association" unless such a construction would be unreasonable.

14 (j) The word "officer" shall include the word "council[man] member."

15 (k) The words "County Executive" shall be construed as meaning the chief executive officer of  
16 the County and the elected Executive Officer mentioned in Section 3, Article XI-A of the  
17 Constitution of Maryland.

18 (l) [Whenever in this Charter the masculine gender is used, such words shall be construed to  
19 include the feminine gender.] All references in this Charter shall be gender neutral.

20 (m) The word "agency" when used to designate a subordinate element of government shall be  
21 construed as including all offices, departments, institutions, boards, commissions, and  
22 corporations of the County government and, when so specified, all other offices, departments,  
23 institutions, boards, commissions, and corporations which receive or disburse County funds.

24 (n) The words "administrative officers" as used in Section 313 of this Charter shall mean the  
25 head of any agency which receives or disburses County funds.

26 (o) When computing a period of time in days, the day of the event shall not be included in the  
27 computation, but the last day shall be included in the determination. Unless the words "calendar  
28 days" are used, Saturdays, Sundays, and holidays observed by the County shall not be included.

29 (p) The words "qualified voter," wherever they appear in this Charter, shall mean "registered  
30 voter."

31 SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the

1 County Executive for publication and that a copy also be transmitted to the Prince George's County  
2 Board of [Supervisors of] Elections for submission of the proposed amendment to the voters of  
3 this County at the 2022 General Election pursuant to Section 1105 of the Charter.

4 SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed  
5 Charter Amendment shall be submitted to the voters of the County at the General Election  
6 occurring on November 8, 2022, and shall be placed on the ballot in the following form:

7 PROPOSED CHARTER AMENDMENT

8 To provide for gender neutral language in several sections throughout the  
9 Charter.

10 Adopted this 5<sup>th</sup> day of July, 2022, by an affirmative vote of two-thirds of the members of  
11 the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Calvin S. Hawkins, II  
Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.

APPROVED BY A MAJORITY OF THE VOTERS AT THE REFERENDUM ON NOVEMBER 8, 2022,  
AS CERTIFIED BY THE BOARD OF ELECTIONS ON DECEMBER 1, 2022.

EFFECTIVE: DECEMBER 1, 2022